

not intended or landing has been refused in accordance with this subpart. The movement of plant pests, means of conveyance, plants, plant products, and other products and articles from Guam into or through any other State, Territory, or District is also regulated by part 330 of this chapter.

§ 318.82-3 Costs.

All costs incident to the inspection, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart, except for the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner.

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Foreign Cotton and Covers

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- 319.40-3 General permits; articles that may be imported without a specific permit; articles that may be imported without either a specific permit or an importer document.
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- 319.41-1 Plant products permitted entry.
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- 319.55-2 Application for permit.
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- 319.55-7 Importations by mail.

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- 319.56 Notice of quarantine.
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- 319.56-1 Definitions.
- 319.56-2 Restrictions on entry of fruits and vegetables.
- 319.56-2a Permits required for entry of chestnuts and acorns and certain coconuts.
- 319.56-2b Administrative instructions; conditions governing the entry of acorns and chestnuts.
- 319.56-2c Administrative instructions authorizing the importation of frozen fruits and vegetables.
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- 319.56-2f [Reserved]
- 319.56-2g Administrative instructions prescribing method of treatment of garlic from specified countries.
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- 319.56-2i Administrative instructions prescribing treatments for mangoes from Central America, South America, and the West Indies.
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- 319.56-2k Administrative instructions prescribing method of fumigation of field-grown grapes from specified countries.
- 319.56-2l Administrative instructions prescribing method of treatment of imported yams.
- 319.56-2m Administrative instructions prescribing method of fumigation of apricots, grapes, nectarines, peaches, plumcot, and plums from Chile.
- 319.56-2n Administrative instructions prescribing a combination treatment of fumigation plus refrigeration for certain fruits.

- 319.56-2o Administrative instructions prescribing method of treatment of avocados for the Mediterranean fruit fly, the melon fly, and the oriental fruit fly.
- 319.56-2p Administrative instructions prescribing treatment and relieving restrictions regarding importation of okra from Mexico, the West Indies, and certain countries in South America.
- 319.56-2q Administrative instructions: Conditions governing the entry of citrus from South Africa.
- 319.56-2r Administrative instructions governing the entry of apples and pears from certain countries in Europe.
- 319.56-2s Administrative instructions governing the entry of apricots, nectarines, peaches, plumcot, and plums from Chile.
- 319.56-2t Administrative instructions: Conditions governing the entry of certain fruits and vegetables.
- 319.56-2u Conditions governing the entry of lettuce and peppers from Israel.
- 319.56-2v Conditions governing the entry of citrus from Australia.
- 319.56-2w Administrative instruction; conditions governing the entry of papayas from Central America and Brazil.
- 319.56-2x Administrative instructions; conditions governing the entry of certain fruits and vegetables for which treatment is required.
- 319.56-2y Administrative instructions; conditions governing the entry of cantaloupe and watermelon from Ecuador.
- 319.56-2z Administrative instructions governing the entry of cherimoyas from Chile.
- 319.56-2aa Administrative instructions governing the entry of cantaloupe, honeydew melons, and watermelon from Brazil and Venezuela.
- 319.56-2bb Administrative instructions governing movement of Hass avocados from Mexico to Alaska.
- 319.56-2cc Administrative instructions governing the entry of Fuji variety apples from Japan and the Republic of Korea.
- 319.56-2dd Administrative instructions: Conditions governing the entry of tomatoes.
- 319.56-2ee Administrative instructions: Conditions governing the entry of Ya variety pears from China.
- 319.56-2ff Administrative instructions governing movement of Hass avocados from Michoacan, Mexico, to approved States.
- 319.56-2gg Administrative instructions; conditions governing the entry of peppers from Spain.
- 319.56-2hh Conditions governing the entry of peppers from New Zealand.
- 319.56-2ii Administrative instructions; conditions governing the entry of mangoes from the Philippines.
- 319.56-2jj Administrative instructions; conditions governing the importation of clementines from Spain.
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- 319.56-3 Applications for permits for importation of fruits and vegetables; issuance of permits.
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- 319.69 Notice of quarantine.
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- 319.69-1 Definitions.
- 319.69-2 Freedom from pests.
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- 319.69-5 Types of soil authorized for packing.

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- 319.73-1 Definitions.
- 319.73-2 Products prohibited importation.
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- 319.74-1 Definitions.
- 319.74-2 Conditions governing the entry of cut flowers.
- 319.74-3 Importations by the Department.
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- 319.75 Restrictions on importation of restricted articles; disposal of articles refused importation.
- 319.75-1 Definitions.
- 319.75-2 Restricted articles.
- 319.75-3 Permits.
- 319.75-4 Treatments.
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- 319.75-8 Ports of entry.
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- 319.77-1 Definitions.
- 319.77-2 Regulated articles.
- 319.77-3 Gypsy moth infested areas in Canada.
- 319.77-4 Conditions for the importation of regulated articles.
- 319.77-5 Disposition of regulated articles denied entry.

AUTHORITY: 7 U.S.C. 450 and 7701-7772; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 24 FR 10788, Dec. 29, 1959, unless otherwise noted.

Subpart—Foreign Cotton and Covers

QUARANTINE

§ 319.8 Notice of quarantine.

(a) Pursuant to sections 411-414 and 434 of the Plant Protection Act (7 U.S.C. 7711-7714 and 7754), and after the public hearing required thereunder, the Administrator of the Animal and Plant Health Inspection Service hereby determines that the unrestricted importation into the United States from all foreign countries and localities of (1) any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and (2) second-hand burlap and other fabrics, shredded or otherwise, which have been used or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricul-

tural roots, rhizomes, tubers, or other underground crops, may result in the entry into the United States of the pink bollworm (*Pectinophora gossypiella* (Saund.)), the golden nematode of potatoes *Heterodera rostochiensis* Wr.), the flag smut disease (*Urocystis tritici* Koern.), and other injurious plant diseases and insect pests, and said Administrator hereby further determines, that, in order to prevent the introduction into the United States of said plant diseases and insect pests, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, it is necessary to forbid the importation into the United States of the plants and products, including fabrics, specified above, except as permitted in the regulations supplemental hereto. Hereafter the plants and products specified above shall not be imported or offered for entry into the United States from any foreign country or locality except as permitted by said regulations, and the plants and products permitted by the regulations to be imported or offered for entry shall be subject to sections 411-414 and 434 of the Plant Protection Act (7 U.S.C. 7711-7714 and 7754). *Provided*, That whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find the existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent the restrictions contained in any of such regulations, he shall publish such findings in the administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or he may, upon request in specific cases, when the public interests will permit, authorize such importation under conditions specified in the permit to carry out the purposes of this part that are less stringent than those contained in the regulations.

(b) As used in this section the term “United States” shall have the meaning ascribed to it in the regulations supplemental hereto.

[24 FR 10788, Dec. 29, 1959, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 66 FR 21054, Apr. 27, 2001]

§ 319.8a Administrative instructions relating to the entry of cotton and covers into Guam.

The plants and products specified in § 319.8(a) may be imported into Guam without further permit, other than the authorization contained in this paragraph. Sections 319.8-2 and 319.8-3 shall not be applicable to such importations. In addition, such importations need not comply with the requirements of § 319.8-4 relating to notice of arrival inasmuch as there is available to the inspector the essential information normally supplied by the importer at the time of importation. Sections 319.8-5 through 319.8-27 shall not be applicable to importations into Guam. Inspection of such importations may be made under the general authority of § 330.105(a) of this chapter. If an importation is found infected, infested, or contaminated with any plant pest and is not subject to disposal under this part, disposition may be made in accordance with § 330.106 of this chapter.

REGULATIONS; GENERAL

§ 319.8-1 Definitions.

For the purposes of the regulations in this subpart, the following words shall be construed, respectively, to mean:

Approved. Approved by the Deputy Administrator of the Plant Protection and Quarantine Programs.

Approved areas of Mexico. Any areas of Mexico, other than those described in paragraphs (q) and (r) of this section, which are designated by the Deputy Administrator as areas in which cotton and cotton products are produced and handled under conditions comparable to those under which like cotton and cotton products are produced and handled in the generally infested pink bollworm regulated area in the United States.

Approved fumigation facilities. Approved vacuum fumigation plant at a

port where an inspector is available to supervise the fumigation.

Approved mill or plant. A mill or plant operating under a signed agreement with the Plant Protection and Quarantine Programs required for approval of a mill or plant as specified in § 319.8-8(a)(2).

Authorized. Authorized by the Deputy Administrator of the Plant Protection and Quarantine Programs.

Compressed. Compressed or pressed and baled or packaged to a density greater than approximately 20 pounds and less than approximately 28 pounds per cubic foot.

Compressed to high density. Compressed or pressed and baled or packaged to a density of approximately 28 or more pounds per cubic foot.

Contamination (contaminate). Containing or bearing whole cottonseed or seed cotton or other material which may carry the pink bollworm, the golden nematode of potatoes, the flag smut disease, or other injurious plant diseases or insect pests. (The verb contaminate shall be construed accordingly.)

Cotton. Parts and products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters and other forms of cotton fiber, not including yarn, thread and cloth; cottonseed hulls, cake, meal, and other cottonseed products, except oil; waste; and all other unmanufactured parts of cotton plants.

Cottonseed. Cottonseed from which the lint has been removed.

Covers. Second-hand burlap and other fabrics, shredded or otherwise, including any whole bag, any bag that has been slit open, and any part of a bag, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops. Burlap and other fabrics, when new or unused are excluded from this definition.

Deputy Administrator, Plant Protection and Quarantine Programs. The Deputy Administrator of the Plant Protection and Quarantine Programs, or any officer or employee of the Plant Protection and Quarantine Programs to whom authority has heretofore been